

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2483 – SB 2400

March 28, 2016

SUMMARY OF ORIGINAL BILL: Deletes certain provisions of Tenn. Code Ann. § 40-32-101 relative to expungements, including but not limited to, the elimination of the required \$350 filing fee from any petitioner requesting expungement.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue – \$134,400/General Fund
\$46,400/Tennessee Bureau of Investigation
\$121,000/District Attorneys General Conference
\$13,400/District Public Defenders Conference

Decrease Local Revenue – \$102,000

SUMMARY OF AMENDMENT (015005): Deletes all language after the enacting clause and rewrites the bill. Reduces the expunction fee from \$350 to \$250 and changes the distribution formula for the fee; deletes Tenn. Code Ann. § 40-32-101(g)(9) which required the District Public Defenders Conference to annually conduct educational programming on expunctions; and provides a procedure for appropriating and expending the remaining funds in the public defenders expunction fund.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – \$8,800/District Attorneys General Conference

**Decrease State Revenue – \$88,100/General Fund
\$13,400/District Public Defenders Conference**

Assumptions for the bill as amended:

- Tennessee Code Annotated § 40-32-101 establishes a \$350 fee that one must pay when seeking expungement of his or her records.
- The bill as amended reduces the fee to \$250.
- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350 fee that one pays for having records expunged is distributed as follows:

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- \$10.00 to the court clerk collecting the fee;
- \$50.00 to the Tennessee Bureau of Investigation (TBI);
- The remainder (\$290.00) is distributed:
 - 5 percent (\$14.50) to the Public Defenders Expunction Fund;
 - 45 percent (\$130.50) to the District Attorneys Expunction Fund; and
 - 50 percent (\$145.00) to the General Fund.
- The bill as amended will distribute the \$250 fee as follows:
 - \$50.00 to the TBI;
 - \$10.00 to the court clerk;
 - \$140.00 to the District Attorneys Expunction Fund; and
 - \$50.00 to the General Fund.
- The bill as amended will result in the District Public Defenders Conference (DPDC) losing all current revenue from expunctions, the District Attorneys General Conference (DAGC) will receive an additional \$9.50 (\$140.00 - \$130.50) from each expunction, and the General Fund will lose \$95.00 (\$145 - \$50) from each expunction.
- Data from the Department of Revenue show that the General Fund collected \$134,405.19 from expungement fees in FY14-15. It is assumed that 927 expungements were processed in FY14-15 (\$134,405.19 / \$145.00). These numbers are assumed to remain constant in subsequent years.
- The recurring decrease in state revenue is estimated to be \$92,700 (927 x \$100 reduction)
- For Public Defenders and the General Fund, the decrease in state revenue is estimated as follows:
 - Public Defenders – \$13,441.50 (927 expungements x \$14.50); and
 - General Fund – \$88,065.00 (927 expungements x \$95.00).
- The increase in state revenue to the DAGC is estimated to be \$8,806.50 (927 expungements x \$9.50).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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